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Benjamin Korman

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25215 7590 06/05/2008  
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EXAMINER

BARTOSIK, ANTHONY N

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

06/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***ADVISORY ACTION***

***Response to Arguments***

1. Applicant's arguments filed 05/07/2008 have been fully considered but they are not persuasive.

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2. ***In response to Applicant's assertion*** that "the Examiner has not performed a proper KSR analysis and set forth specific arguments to support the rejection of amended independent claim 1." Additionally Applicant asserts that the Examiner did not set forth "arguments" to support the rejection of claims 7 and 8. The Examiner would like to point out that the Supreme Court's decision in *KSR v. Teleflex*, 82 USPQ2d 1385 and the rational stated regarding rejections under 35 U.S.C. 103 centered around the combination of two references and the "articulated reasoning with some rational underpinnings" to support such a combination. In the application at hand, claims 1, 7, and 8 were rejected by only one reference, Hellsten, where it was stated that the methods taught in the reference would result in a block with the structural characteristics of the block of claim 1. Such a simple rational would be sufficient to one of ordinary skill in the art to construct a block as taught by the method of Hellsten, resulting in the apparatus as set forth in claim 1.

Furthermore, the rejection of claims 7 and 8 additionally set forth reasoning sufficient to explain the rejection under Hellsten.

3. ***In response to Applicant's assertion*** that the Examiner has relied upon incorrect fact findings. In the remarks section, Applicant correctly set forth the initial operation of a microwave but stopped short of fully explaining what is commonly know in the art. Applicant stated, "the microwave does not remove moisture (water), in contrast, the microwave uses the moisture (water) to heat the particular substance the microwave is being applied to." To the contrary, as the

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water is heated it reaches the point of evaporation and turns into vapor form and is removed from the substance. This function is no different than when a piece of meat is placed in a microwave to be reheated and then comes out dry. During the operation of the microwave process the moisture was removed from the meat. See Kim (US 2003/0010778 A1), Paragraph 7 setting forth what is commonly known in the art. The moisture in the block formed in Hellsten is then inhibited by the use of the microwave thereby satisfying the limitations of the previously rejected claims as well as amended claims 1, 11, and 21.

4. ***In response to Applicant's assertion*** that the rejection was premature.

In accordance with 706.07(a) of the MPEP the Final rejection issued on 03/07/2008 was proper and is therefore upheld.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY N. BARTOSIK whose telephone number is (571)270-3112. The examiner can normally be reached on M-F 7:30-5:00; E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Richard E. Chilcot/  
Supervisory Patent Examiner, Art  
Unit 3635

/A. N. B./  
Examiner, Art Unit 3635